

## ***Why have a Site Plan Review Bylaw?***

*Currently most businesses undergo a review in order to be granted a Special Permit before building or expanding; the town may deny a permit or not permit certain types of businesses*

*The state has exempted certain uses of land or structures from regulation by Special Permit. They include certain types of:*

- *Agricultural uses*
- *Religious and educational uses*
- *Government uses*
- *Public service uses (for example, utilities)*
- *Child care and family day care homes*
- *Hazardous waste, refuse, and disposal*
- *Scientific research facilities*
- *Telecommunications and amateur radio antennas*
- *Solar energy systems*
- *Handicapped access ramps*
- *Temporary mobile homes*

*For some exempt uses, state law permits a town to establish reasonable regulations for parking, entrances and exits, height, setbacks, drainage-- though the regulations cannot be made an excuse to block the project. Over 200 Massachusetts towns have Site Plan Review bylaws which enable a town to preview a project and negotiate when the town has concerns about how a project is to be built. Some nearby towns with Site Plan Review are Becket, Chesterfield, Easthampton, Huntington, Hinsdale, and Otis.*

*Several years ago a religious group. The Oaks of Righteousness, negotiated to buy property to build a school in Worthington. This proposal brought home the possibility that an exempt project such as a school with dormitories could have more impact on the town than most small businesses, affecting traffic, security and fire protection, and other town services. In 2001, the 20/20 committee, a group of volunteer Worthington residents, conducted a survey on the town's future development. The majority of residents wanted to maintain Worthington's country-town atmosphere. The committee recommended a Site Plan Review bylaw allowing the town to review development exempt from the Special Permit.*

*This Site Plan Review bylaw is intended primarily to insure that all projects of a certain size come before the town for review. It allows an opportunity to review a project's effect on the town and neighbors before building begin. It does not apply to one-family or two family homes.*

*The application does not require professionally prepared documents for all applications, but these may be needed to judge a complex project. Applicants are encouraged to come before the board informally to talk about their plans before assembling materials and drawing up an application. Residents are encouraged to look over the plans and comment at a Planning Board meeting or in writing as part of the review process. A full list of information which may be needed to evaluate a project is in the bylaw. Because not all requirements will apply to every project, the bylaw provides for a waiver -- applicants may ask the board to waive requirements that are not relevant to their project*

*The rising cost of real estate in the valley, and low mortgage rates are already making Worthington attractive to homeowners. Other organizations and businesses will follow – it's important to be prepared when they do.*

*Worthington Planning Board*

9/19/2005

## SECTION XII - SITE PLAN REVIEW

### **A. Purpose**

The purpose of Site Plan Review is to allow the town to review project plans with a developer at an early stage and, when appropriate, to negotiate alterations to the plans so as to lessen adverse impacts on neighbors and the town. The goals of this by-law are to:

1. Protect the rural character, aesthetic qualities, and natural and historic features of the Town of Worthington,
2. Insure safe and efficient traffic and pedestrian circulation within areas adjacent to the project site; and
3. Minimize disproportionate burdens on town services from new development.

### **B. Uses Requiring Site Plan Review**

Site Plan Review is required for all uses listed in Section IV, Schedule of Uses, C., D, and E, with the exception of the following:

1. A single-family or two-family dwelling and its surrounds, including but not limited to garages, outbuildings, and driveways which can reasonably be defined as for residential use ;
2. Construction completed more than 5 years prior to the construction, addition or change of use under consideration;
3. Construction which previously received Site Plan approval;
4. Construction which received Building Permit or Special Permit approval before this bylaw became effective.

### **C. Site Plan Reviewing Authority**

The Site Plan Reviewing Authority is either the Planning Board or Zoning Board of Appeals depending upon the use, as listed in Section IV, Schedule of Uses.

### **D. Application Procedure**

#### **1. Application**

- a. The current owner of record of property with a use or structure requiring Site Plan Review shall submit a Site Plan Review application to the Town Clerk together with the required fees set by the Site Plan Reviewing Authority's Regulations before applying for a Building Permit or Special Permit.
- b. Upon receipt of the application, the Site Plan Reviewing Authority shall check it for completeness. If it finds the application is incomplete, it shall return the application to the applicant with a list of missing information. In the event the applicant does not complete the application within 30 days the Site Plan Reviewing Authority may deny the application on the ground that it is incomplete. The Site Plan Reviewing Authority may grant a reasonable extension of time to complete the application.

## **2. Form and Contents of Site Plan Review Application**

Every Site Plan Review application shall be on a form approved by the Site Plan Reviewing Authority and shall be accompanied by five sets of site plans, each bearing the project name, location, date, and plan scale. The Site Plan Reviewing Authority may require that one copy be in an electronic format specified by the Site Plan Reviewing Authority.

Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal.

The contents of the Site Plan Review application shall include:

- a. All existing lot lines, easements and rights of way;
- b. Location of all proposed new lot lines;
- c. Location and use of all existing and proposed buildings and structures, including approximate height and floor area;
- d. Location and description of any existing and proposed open space or recreation areas;
- e. Location of proposed private and public ways on the site;
- f. Location and size of proposed parking areas;
- g. Location and use of buildings and structures within 300 feet of the site;
- h. Location of wetlands on site and within 300 feet of the site, according to the latest data from the National Wetlands Inventory;
- i. Location of proposed water supply well, if any;
- j. Location and date of all registered percolation tests;
- k. A runoff and drainage plan, showing the proposed snow storage areas, drainage facilities and storm water impacts on site and on adjacent downstream surface water bodies and flood plains;
- l. A plan for control of erosion and sedimentation, including both temporary and permanent measures.
- m. Existing and proposed changes in topography;
- n. Location of stone walls;
- o. Size and location of existing and proposed sign(s);
- p. Location of proposed outdoor lighting
- q. Method and location of waste disposal.;
- r. Location of fire protection measures;
- s. Proposed landscape features, including the location and description of buffers, screening, fencing, and plantings (specifying the size and type of plant materials);
- t. Traffic patterns at the site including entrances and egresses, loading and unloading areas, and curb cuts on site and within one hundred feet of the site;
- u. Information sufficient to assess the traffic safety impacts of the proposed project on the carrying capacity of any adjacent bridge, highway or road, to include the projected number of motor vehicle trips to enter or depart from the site estimated for daily hour and peak hour traffic levels;
- v. Projected need for public utilities and services, including schools, fire protection and security.

### **3. Waivers**

If the applicant believes that any of the information required in any clause of subsection 2 is not relevant to the project, he or she may request a waiver of that requirement. The Site Plan Reviewing Authority may waive for good cause shown, any or all requirements of Site Plan Review where such waiver is in the public interest and consistent with the purpose and intent of this bylaw. Such waiver decisions must be documented in writing by the Site Plan Reviewing Authority.

### **4. Fees**

The Site Plan Reviewing Authority shall set reasonable administrative fees to cover the expenses of its review of the Site Plan application. The applicant shall reimburse the Town for the full cost of all engineering and planning consultant services that the Site Plan Authority deems necessary for review purposes, and no Site Plan may be approved until the applicant has done so. The Site Plan Reviewing Authority may request the posting of adequate financial guarantees to cover consulting services expenses.

## **E. Review Procedure**

1. Site Plan Review applications shall be reviewed and acted upon at a public meeting of the Site Plan Reviewing Authority.
2. The Site Plan Reviewing Authority shall provide copies of the application and the site plan to the Fire Chief, Police Chief, Conservation Commission, Board of Health, Building Inspector, Highway Superintendent, Board of Selectmen, and Zoning Board of Appeals or Planning Board. These boards and individuals shall have thirty-five (35) days to report to the Site Plan Reviewing Authority their findings and recommendations. The failure of a board or individual to report in the allotted time shall constitute approval by that board or individual.
3. The Site Plan Reviewing Authority shall post information about the application and how it can be reviewed at the place where other public notices are posted. The reviewing authority shall also provide this information to abutters and non-abutters within three hundred feet of the application property. Such information shall include a summary of the proposed project, including size, location, and proposed use. The Site Plan Reviewing Authority shall allow 14 days after such posting for receipt of written comments from the general public before making its decision.
4. The Site Plan Reviewing Authority shall render a decision on the application within sixty-five (65) days of the date the application was deemed complete and the Town has been reimbursed for all fees for engineering and consulting services referred to in Section E(4) of this bylaw. If the Site Plan Reviewing Authority does not act within this period, approval is granted by default.

### **5. Site Plan Review Decision**

The decision of the Site Plan Review Authority shall be one of the following:

- a. Approval of the Site Plan based on a determination that the proposed project complies with the criteria mentioned in section F of this bylaw;

- b. Approval of the Site Plan, subject to such conditions, modifications and reasonable restrictions as the Site Plan Review Authority deems necessary to ensure compliance with the criteria mentioned in Section F of this bylaw.
- c. Denial of the Site Plan application based on a determination that it was incomplete and insufficient information was submitted to review the proposal.

#### **F. Site Plan Review Criteria**

The Site Plan Reviewing Authority shall use the following criteria in evaluating site plans applications:

1. Whether the architectural design, scale, layout and landscaping of the proposed development is in harmony with the historic and rural character of the neighborhood and the Town of Worthington.
2. Whether the proposed project, to the extent feasible:
  - a. Protects Town amenities and abutting properties by minimizing detrimental or offensive actions and site characteristics such as lighting glare and noise;
  - b. Minimizes adverse environmental impacts on such features as wetlands, floodplains, steep slopes, and aquifer recharge areas;
  - c. Maximizes open space retention and minimizes fragmentation of contiguous undeveloped land;
  - d. Minimizes obstruction of scenic views from publicly accessible locations;
  - e. Preserves unique natural or historical features;
  - f. Minimizes tree, vegetation and soil removal and grade changes;
  - g. Provides adequate landscaping to screen storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features from view from adjacent residences and public roadways;
  - h. Provides adequate measures to prevent pollution of surface and groundwater, erosion and sedimentation, and assures no increase in run-off or potential for flooding;
  - i. Places electric lines, telecommunications lines and other such utilities, to the extent feasible, underground;
  - j. Provides for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties; and
  - k. Provides access to adjoining properties where needed.

#### **G. Expiration**

The approval of any Site Plan under this Section shall expire in two (2) years if substantial construction has not begun by that date.

#### **H. Regulations**

The Site Plan Reviewing Authority may adopt and from time to time amend reasonable regulations for the administration of this Site Plan bylaw.

#### **I. Enforcement**

The Site Plan Reviewing Authority may require the posting of adequate financial guarantees to assure monitoring and compliance with the Site Plan approval and all conditions, modifications and restrictions contained therein. The Site Plan Reviewing Authority may suspend any permit or license when work is not

performed as required. The owner of record must accept all such conditions, modifications, and restrictions in writing prior to the issuance of a Building Permit. The Zoning Enforcement Agent will monitor compliance.

#### **J. Appeals**

Decisions of the Site Plan Reviewing Authority regarding Site Plan approval may be appealed as set forth in MGL, Chapter 40A, Section 17.

#### **K. Violations**

Any violations of the approved Site Plan or of any conditions, modifications, and restrictions of the approval by the Site Plan Review Authority shall be subject to the enforcement provisions of Section VIII B 5 of the Zoning Bylaw.

#### **L. Severability**

In the event any portion of this by-law is found to be illegal or unconstitutional, all remaining portions of this by-law shall remain in full force and effect.

### Amendment to Section IV of the Zoning ByLaw to allow Site Plan Review **SECTION IV SCHEDULE OF USES**

#### **C Uses Requiring Site Plan Review**

1. The following uses:

- a. Religious and Educational Uses;
- b. Federal, State of Massachusetts, and Town of Worthington uses;
- c. Public Service Corporations exempt from the Special Permit process;
- d. Child Care Facilities;
- e. Hazardous Waste, Refuse Treatment and Disposal Facilities;
- f. Scientific Research Facilities;

require a Site Plan Review determination if they meet one or more of the following criteria:

New construction, addition or change of use resulting in

- a. more than two thousand (2,000) square feet of impervious surface;
- b. more than two (2) new dwelling units;
- c. coverage of fifty (50) percent of the lot area in impervious surface;
- d. a structure with any part more than 35' tall; or
- e. parking for more than 5 vehicles.

2. The Planning Board shall be the Site Plan Review Authority.

3. The review shall be conducted in accordance with the regulations in Section XII of this bylaw, to the extent permitted for the use by Massachusetts General Law Chapter 40A.

**D. Special Permit Uses Requiring Site Plan Review**

**1. Special Permit Uses:**

Uses which require a Special Permit or Variance require a Site Plan Review if they meet one or more of these conditions:

New construction, addition or change of use resulting in

- a. more than ten thousand (10,000) square feet of impervious surface;
- b. coverage of fifty (50) percent of the lot area in impervious surface; or
- c. a structure with any part more than 35' tall.

2. The Zoning Board of Appeals shall be the Site Plan Review Authority.
3. The review shall be conducted in accordance with the regulations in Section XII of this bylaw.
4. If a business is conducted from the residence, any structure or part thereof used for business is considered to be separate from the residence, and if it meets the conditions above will be subject to this bylaw.
5. The period of review for a Special Permit requiring a Site Plan Review shall be the same as any for other Special Permits and shall conform to the requirements of M.G.L. Chapter 40A.
6. Conditions of the Site Plan approval shall also be conditions of the permit or variance, if one is granted.

**{3<sup>rd</sup> Amendment}**

**E. Agricultural Uses Requiring Site Plan Review**

1. Uses or structures defined as agricultural by Massachusetts General Law Chapter 40A Section 3 require Site Plan Review if they meet one or more of the following criteria:  
New construction, addition or change of use resulting in:
  - a. more than ten thousand (10,000) square feet of impervious surface;
  - b. coverage of fifty (50) percent of the lot area in impervious surface; or
  - c. a structure with any part more than 35' tall.
2. The Planning Board shall be the Site Plan Review Authority.
3. The review shall be conducted in accordance with the regulations in Section XII of this bylaw, to the extent permitted by Massachusetts General Law Chapter 40A for this use.